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that the Supreme Court had no jurisdiction, as section 2, Article 3, of the Constitution conferring original jurisdiction upon the court "in all cases affecting ambassadors . . . and those in which a State shall be a party . . ." merely *distributes*, and does not *confer* jurisdiction; and since a citizen may not sue his sovereign state without its consent. *Duhne v. New Jersey* (Jan. 12, 1920) U. S. Sup. Ct. Oct. Term 1919.

The decision accords wholly with previous authority. The result desired by the complainant is, however, being achieved by another road. The daily press carries reports, under date of January 19, of leave granted Rhode Island, through its Attorney General, to contest the validity of the amendment and the enforcement act.

DAMAGES—INTEREST—UNLIQUIDATED AMOUNT—WRONGFUL DEATH.—In an action under the federal Employers' Liability Act to recover for the death of her husband, the plaintiff claimed interest on the amount of the verdict from the date of the death to the time the verdict was returned. *Held*, that such interest should not be allowed. *Bennett v. Atchison, etc., Ry.* (1919, Iowa) 174 N. W. 805.

The court reasoned that the damages must be measured by the amount of support the widow would have received from the decedent, if he had lived his expectancy and that the greater part of this would not have been received until long in the future; and that as it was impossible to calculate the amount she would have received between the time of death and the verdict, interest on that amount must also be denied. The decision is in accord with cases collected in 22 *Cyc.* 1512, note 1.

DAMAGES—WRONGFUL DEATH—FUNERAL EXPENSES.—In an action for wrongful death the jury was instructed that the funeral expenses should be considered an element of the damages. *Held*, that such instruction was error. *Brady v. Haw* (1919, Iowa) 174 N. W. 331.

The reason of the decision was that death was inevitable, and that a burial would be given at death in a Christian country. Hence, the estate lost, as a proximate result of the defendant's wrong, only the use of the money during the expectancy. The theory advanced by the court seems satisfactory. See Demogue, *Validity of the Theory of Compensatory Damages* (1918) 27 *YALE LAW JOURNAL*, 585.

EQUITY—BILL OF DISCOVERY.—The plaintiff, after the expiration of his patent, brought an action to recover damages for infringement by the defendant. He also filed a bill of discovery praying that the defendant be ordered to state and produce the records of all the profits made from the sale of the article during the existence of the patent. *Held*, that the bill be denied. *Munger v. Firestone Tire & Rubber Co.* (Nov. 12, 1919) C. C. A. 2d, Oct. Term, 1919, No. 18.

A bill of discovery is allowed only to obtain the disclosure of facts in the possession of the defendant which are necessary to the existence of the cause of action relied on by the plaintiff. See 1 Pomeroy, *Equity Jurisprudence* (4th ed. 1918) sec. 201. Since the *amount* of damages was not essential, the bill in the instant case was properly refused. The court cited a quotation which suggested that a *subpoena duces tecum* would have been the proper remedy.

JUDGMENTS—RES JUDICATA—LATER EXISTING RIGHTS—WIDOW'S AWARD.—Just prior to their marriage, the plaintiff's husband conveyed his property to the defendant without consideration. Upon the death of the husband, the plaintiff probated his will and was granted a widow's award. The estate